

DAL/Greg White
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Department of Sustainability, Environment, Water, Population and Communities
GPO Box 787
Canberra ACT 2601

Dear Sir/Madam

RE: Australian Government Environmental Offsets Policy – Consultation Draft

Wyong Shire Council is pleased to provide comment on this important policy development.

Council is very supportive of the overall concept of providing strategic policy direction for environmental offsets at Commonwealth government level through the *Environment Protection and Biodiversity Conservation Act (1999)*. Clearly identifying the vision and role of the Australian Government, and the principles for environmental offsetting will provide guidance for preparation of complementary policy and programs by local government.

A number of specific issues are briefly explored below.

Preparation of reports for offsetting:

Council strongly supports the concept of using environmental offsets on a consistent way to enhance conservation outcomes whilst allowing for sustainable development to occur in a timely fashion. Local government has a significant role in the development assessment process and is therefore well-placed to highlight a major concern with the provision of environmental assessment information on an ongoing basis.

The policy needs to be very clear regarding at what stage during development offsets will be secured and established. Prior to approval? Prior to the commencement of works? Prior to the subdivision certificate/operation?

Ongoing security of offsets and reporting:

Sections 5.3 and 6.1.5 deal with the ongoing delivery and reporting on environmental offsets. Local government experience has shown that ongoing management of development consent conditions could be significant drain on very limited resources. It is suggested that a suitable system needs to be in place to ensure the funding of reporting by suitably accredited and independent consultants with local authorities maintaining a register for a small fee. In NSW councils administer similar systems for fire safety certificates and on-site sewer management systems so the process is well established.

Development of the offset register should be enhanced by a procedure to automatically provide formal notification to the relevant local authority/s, including GIS data in a suitable format. As the level of government closest to the local community councils are usually the first point of call for this type of information and having the data in the council GIS will simplify provision of information and consideration of activities on adjoining lands during future development or land management planning. In addition to an offset register it is suggested that formal notification should be required on planning certificates and as a covenant on title. This will highlight and simplify understanding of ongoing requirements related to the land into the future, particularly in the medium to long-term where land ownership is likely to change.

Formal plans of management need to be developed and in a consistent format. These will assist in reporting and provide greater transparency when made publicly available through the register.

Interaction with mining legislation:

Given the ongoing expansion of mining there must be specific controls to manage the interaction with relevant legislation permitting mining and all associated exploration activities. Current NSW legislation is proving contentious and problematic for many communities, and in particular the ability for exploration activities to be undertaken without any formal development approval process being undertaken.

Funding:

A compliance strategy and suitable funding arrangements need to be established to ensure that management of the offset can be funded. This will include suitable arrangements to ensure the ongoing management of offsets in the event of bankruptcy or other circumstances leading to an inability to maintain the offset in perpetuity. In NSW the arrangements for Biobanking offer a possible model for arranging permanent funding.

Strategic offsets:

Arrangements will need to be put into place to ensure environmental offsets are situated within wider strategic landuse and conservation planning strategies at state and local government level. A formal process of consultation with local authorities, Catchment Management Authorities, Great Eastern ranges Initiative etc needs to be a key step in the development of offsets.

Appendix 1 – Environmental offset guide:

The concepts expressed are generally supported but need to be work shopped with a variety of stakeholders including local government, NSW Catchment Management Authorities, NSW Office of Environment and Heritage and the Ecological Society of Australia.

It seems likely that the system could be developed to include an on-line interface to allow for various alternatives and options to be tested at the start of the process without the need for formal submission and assessment.

Possible additional metrics to incorporate are patch connectivity, edge to interior ratio, location within same sub-catchment and classification of vegetation communities under State legislation such as an Endangered Ecological Community (EEC) under the *NSW Threatened Species Conservation Act (1995)*. Indirect impacts across the landscape (e.g. removal of stepping stone) and edge effects also need to be taken into account and potentially “discounted” in buffer areas to be established. Careful consideration will also be needed to look at financial contributions for the funding of ongoing research and/or offsets that can be provided beyond the key direct offset site.

There will need to be clear definition of terms. For example, for the location of offsets what is "adjacent" vs "close" and does this vary dependent on scale of proposal or other factors.

Additionality (per NSW Biobanking):

There will need to be consideration of the concept of additionality to manage overall scoring based on the level of protection already offered on the land, and previous or future funding under a range of grant schemes. This may have significant unintended impacts where local authorities are undertaking comprehensive rezoning of lands and there may be advantages or disadvantages related to timing of offset projects.

The development of the system should also incorporate discussion regarding the review of tax treatments of affected lands to encourage additional methods to protect conservation lands.

In conclusion, Council strongly supports the development of the Biodiversity Policy and looks forward to a more explicit consideration of the role of local government, and the development of new funding mechanisms to enable the effective implementation of the policy.

Yours faithfully

A handwritten signature in black ink, appearing to read 'G. White', written in a cursive style.

Greg White
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Wyong Shire Council